



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	June 22, 2010
Land Use Action Date:	July 20, 2010
Board of Aldermen Action Date:	September 7, 2010
90-Day Expiration Date:	September 20, 2010

DATE: June 16, 2010

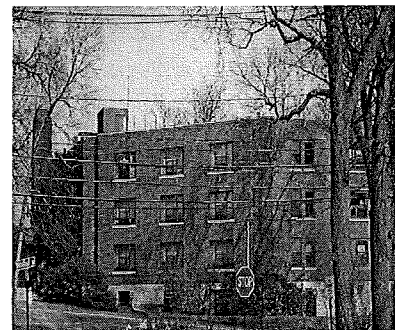
TO: Board of Aldermen

FROM: Candace Havens, Acting Director of Planning and Development
Maurya Sullivan, Principal Planner

SUBJECT: #19-98(2) CLEAR WIRELESS, LLC./LASELL COLLEGE petition to AMEND Special Permit/Site Plan Approval #19-98, granted on 3/16/98 for wireless telecommunication equipment, in order to replace three panel antennas and to add two dish antennas at 216 WOODLAND ROAD, Ward 4, AUBURNDALE, on land also known as Sec 43, Blk 10, Lot 9, containing approx 282,705 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 30-24, 30-23, 30-18A(e)(6) of the City of Newton Rev. Zoning Ord, 2007.

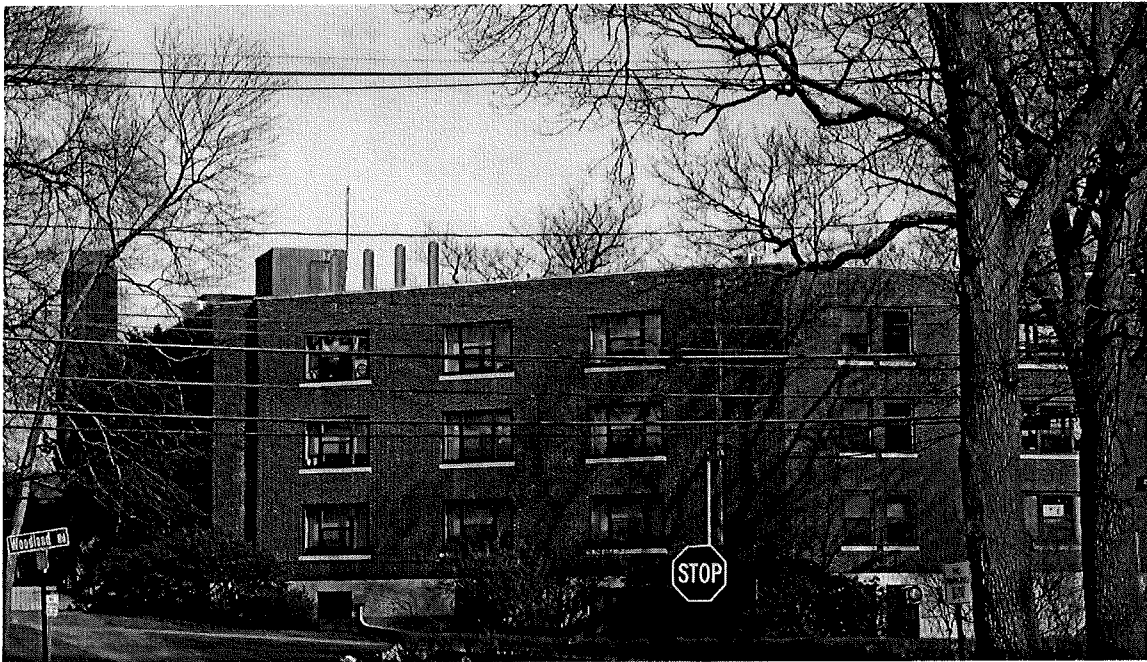
CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner proposes to replace three existing panel antennas and add two wireless backhaul dishes to an existing installation on the roof of a dorm at Lasell College. At the request of the Auburndale Historic Commission, all of the antennas will be concealed within canisters. The equipment cabinet serving the new antennas will be located inside the existing basement equipment room. To comply with federal standards, the petitioner proposes to install one additional global positional system antenna on the roof. The proposed installation meets the design and operating criteria for wireless installations found in §30-18A(c). Section 30-18 encourages the co-location of wireless equipment, as proposed in this project, in order to reduce the need for additional telecommunications sites. In addition, the 2007 *Newton Comprehensive Plan* establishes the importance of maintaining the existing character of the City's neighborhoods. By locating the proposed equipment on an existing building with existing wireless installations, the petition helps to maintain the character of the site and the surrounding Auburndale neighborhood.



Simulated Modifications – northern view

I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition the Board should consider:

- whether this is an appropriate location for a modified wireless installation; and
- whether the addition of the antennas will have an impact on the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the northwest side of Woodland Road near the intersection with Cheswick Road. It is located within a Multi Residence 2 district (*SEE ATTACHMENTS "A" AND "B"*). The property is on Lasell College and is used as a dormitory. The remainder of the neighborhood is residential, primarily one- and two-family houses.

B. Site

The 282,705 sq. ft. site contains Lasell College buildings, including a dormitory with an existing wireless installation. The existing wireless installation was permitted by special permit in 1998 (*SEE ATTACHMENT "E"*).

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site is currently used for a college dormitory and for wireless equipment. The petitioner proposes to add additional concealed antennas on the roof of the building and to install support equipment inside the building.

B. Site Design

The application entails the replacement of three existing panel antennas and the addition of two backhaul dish antennas. At the request off the Auburndale Historic Commission, all of the existing and proposed antennas will be concealed in canisters designed to mimic vent or flue pipes (*SEE ATTACHMENT "C"*). In addition, to comply with federal standards, the petitioner proposes to install one global positional system antenna on the roof. While the canisters containing the antennas will be visible from adjacent properties because of their height, they will be an improvement in the visual impact of the existing installation. They will appear to be part of the building's mechanical systems and will not be as disruptive to the view as the existing undisguised antennas. An equipment cabinet will be located inside an existing basement equipment room and will not be visible from any adjacent properties.

C. Parking and Circulation

The existing installation includes driveway access from Woodland Road. The petitioner proposes to continue using the same access. There will not be any personnel on-site except for approximately two vehicle trips per month for maintenance. These additional trips will not create a significant impact on the neighborhood.

D. Landscape Screening and Lighting

No landscape screening is proposed because of the height of the proposed modification on the roof. The antennas will be concealed in canisters designed to mimic vent or flue pipes. Given the minimal visual impact of the additional antennas and dishes, no additional screening is necessary.

IV. COMPREHENSIVE PLAN

There is little discussion of wireless installations in the 2007 *Newton Comprehensive Plan*. However, the *Comprehensive Plan* says that "development is to be guided to reflect the character held or sought by existing residential neighborhoods, protecting the qualities of that which exists." By adding additional wireless antennas and dishes to an existing installation, this proposal minimizes changes to the character of this site and minimizes potential changes to the character of other sites that could be alternatives to the proposed installation.

V. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, provides an analysis of the proposal with regard to Section 30-18. A special permit is required to amend an existing site plan approved by board order, to add additional building-mounted wireless equipment, and to modify an existing wireless installation. The proposed installation meets the design and operating criteria found in §30-18A(c).

B. Parking Requirements (Section 30-19). The proposed changes do not trigger any additional parking requirements.

C. Other Reviews

1. Engineering. No engineering review is necessary because the petition will not increase or modify impervious surfaces on site.
2. Fire Department. Because there are no changes to the site plan other than the addition of several antennas, no fire access review is necessary. Fire prevention review will occur as part of the building permit application process.

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review (*SEE ATTACHMENT "D"*) the petitioner is seeking approval through or relief from:

- §30-18A(e)(6), which allows the Board of Aldermen to grant a special permit

for building-mounted wireless communication equipment in a residential district

- §30-18A(e)(8), which allows the Board of Aldermen to grant a special permit for modification or addition to wireless communication equipment on an existing tower
- §30-18A(f), which allows the Board of Aldermen to amend the site plan approved through Board Order #282-06
- §30-24, which allows the Board of Aldermen to grant a special permit for building-mounted wireless communication equipment when §30-18A(a) & (c) have been satisfied
- §30-23, which allows the Board of Aldermen to grant site plan approval

VII. Summary of Petitioner's Responsibilities

This petition is currently complete.

ATTACHMENTS

ATTACHMENT A:	<i>Zoning Map</i>
ATTACHMENT B:	<i>Land Use Map</i>
ATTACHMENT C:	<i>Certificate of Appropriateness, dated 3/9/10</i>
ATTACHMENT D:	<i>Zoning Review Memorandum</i>
ATTACHMENT E:	<i>BO #19-98</i>

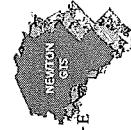
Zoning Map

216 Woodland Road and Vicinity

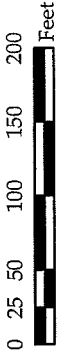
City of Newton,
Massachusetts

Legend

	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use
	Surface Water



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



MAP DATE: June 17, 2010



ATTACHMENT A

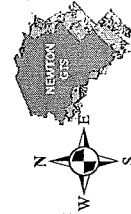
Land Use Map

216 Woodland Road and Vicinity

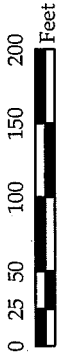
City of Newton,
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Legend

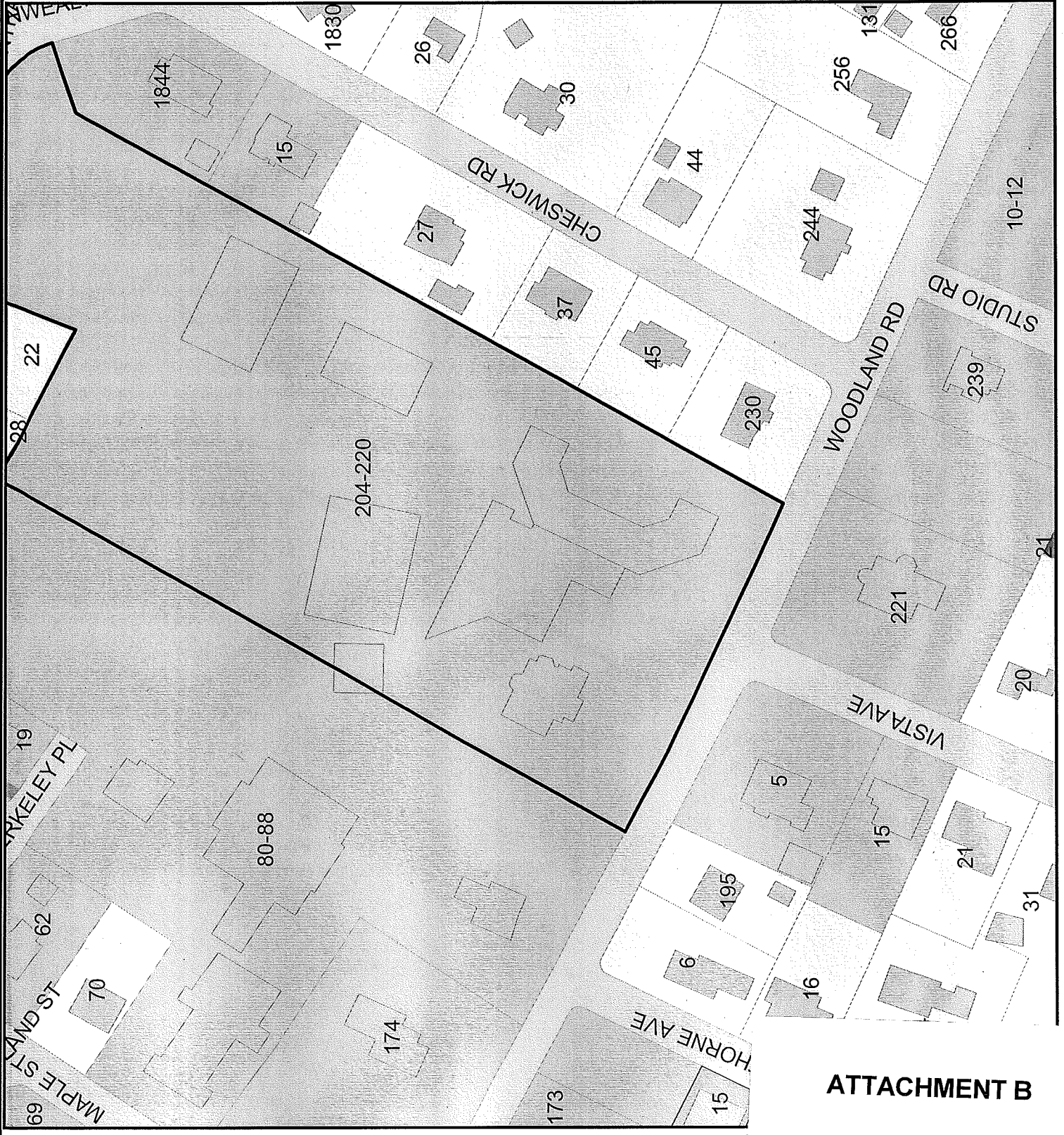
	Building Outlines
	Single Family Residential
	Two Family Residential
	Condominiums
	Other Residential
	Mixed Use
	Commercial
	Industrial
	Vacant Land
	Golf Course
	Open Space
	Private Educational
	Nonprofit Organizations
	Public Housing
	Tax Exempt
	Unspecified
	Surface Water



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MAP DATE: June 17, 2010



ATTACHMENT B



CITY OF NEWTON, MASSACHUSETTS
Department of Planning and Development

Telephone
(617) 796-1120

Telefax
(617) 796-1142

Setti D. Warren
Mayor

RECORD OF ACTION:

DATE: March 9, 2010

SUBJECT: 216 Woodland Road – Certificate of Appropriateness

At a scheduled meeting and public hearing on March 9, 2010 the Auburndale Historic District Commission, by vote of 6-0

RESOLVED to issue a certificate of appropriateness for the application as submitted.

Voting in the Affirmative:

Italo Visco, Chairman	Patricia Bottomley, Member
Nancy Grissom, Member	Richard Alfred, Member
Patricia Baker, Member	Mark Armstrong, Alternate


Brian Lever, Commission Staff

Auburndale Historic District Commission
1000 Commonwealth Avenue, Newton, Massachusetts
Email: blever@ci.newton.ma.us
www.ci.newton.ma.us

ATTACHMENT C

Zoning Review Memorandum

Proposed Wireless Communication Installation

To: John Lojek, Commissioner of Inspectional Services

From: Candace Havens, Chief Planner/Interim Director of Planning and Development
Maurya Sullivan, Principal Planner/Telecommunications Specialist

cc: Eve Tapper, Chief Zoning Code Official
Jason Ellis, Prince Lobel Glovsky & Type LLP

Re: Proposed installation of 2 Wireless Backhaul Dishes in SR-2 District

Applicant: Clearwire, LLC/Lasell College.

Site: 216 Woodland Road

SBL: 43-10-9

Lot Area: 282,705 sq ft

Zoning: SR-2

Current Use: Wireless Communications

Proposed Use: Wireless Communications

Type of Wireless Installation:

Modification of existing wireless installation by addition of two dish antennas and replacement of three panel antennas in a residential district per Section 30-18A(e)(6).

Background:

The property is located on the Lasell College campus and is a dormitory used for residential purposes. The Applicant has an existing wireless installation approved by B.O. #19-98. The applicant seeks approval pursuant to Section 30-18A(e)(6), *Wireless Communication Equipment Allowed by Special Permit* because the installation is in a residential district.

Administrative determinations:

- ◆ Section 30-18A(e)(6) requires a special permit for building-mounted wireless communication equipment in residential districts.
- ◆ Sections 30-18A(f) and 30-24 require site plan review.
- ◆ The applicant has submitted a copy of the application to the Director of Planning and Development for Administrative Site Plan review, per Section 30-18A(g) for compliance with Section 30-18A(c).
- ◆ See table "Zoning Relief Summary" below.

Zoning Relief Summary

<i>Ordinance</i>	<i>Action Required</i>	
	Amendment to existing Board Orders	
30-18A(f)	Amend site plan approved via Board Order #282-06	X
	Wireless Communication Installation	
30-18A(e)(6)	Building-mounted wireless communication installation on a multi-family structure	SP per §30-24
	Site	
30-18A(f)	Approval of site plan per §30-23	X

CITY OF NEWTON
IN BOARD OF ALDERMEN

March 16, 1998

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the wireless communication equipment will permit improved communication without the construction of a tower.
2. The Board finds that the visual impact is minimal.
3. The Board finds that the communication system will provide increased security for the Lasell College campus.
4. The Board finds that the communication system will permit a source of income for the educational institution without other impacts.

PETITION NUMBER: 19-98

PETITIONER: Nextel Communications/ Lasell College

LOCATION: 216 Woodland Road, Auburndale, Ward 4, Section 43,
Block 10, Lot 9.

OWNER: Lasell College

ADDRESS OF OWNER: 1844 Commonwealth Avenue
Auburndale, MA. 02166

TO BE USED FOR: Two (2) sets of wireless communication antennae with
associated ancillary equipment mounted of the roof of 216 Woodland Road

CONSTRUCTION: Metal and fiberglass

EXPLANATORY NOTE: Section 30-18A(e)(2) allows the Board of Aldermen to grant a special permit for roof-mounted wireless communication equipment in a Single Residence District.

Land referred to is in a Single Residence 2 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with a set of four plans entitled "Nextel Communications of the Mid-Atlantic, Inc. - Auburndale, Newton, Massachusetts - Lasell College MA-0478A", dated March 12, 1998, by Bergman & Associates, Inc., submitted by the petitioner and filed herewith.
2. That the equipment will be kept in good appearance and in good operating order at all times.
3. That if the wireless communication use ceases, the petitioner or the owner of the property (the church) shall be equally responsible for the removal of said equipment within thirty (30) days.
4. That the pole and antennae panels shall be painted a blue/gray color to blend with the sky.
5. That if new technological changes permit smaller or internal equipment, the provider shall take advantage of such changes and replace the equipment approved herein.
6. That an acoustical screen will be installed to baffle the noise from the auxiliary, roof-mounted HVAC equipment
7. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 2 absent (Ald. Baker and Schnipper)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on March 24, 1998. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on _____ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST

EDWARD G. ENGLISH, City Clerk